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EXAMINER
RAMPURIA, SHARAD K

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/789,816	ONYON ET AL.
	Examiner	Art Unit	
	Sharad Rampuria	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>02 July 2007</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-60 and 82-93</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-60 and 82-93</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some *   c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

I.   The Art Unit location of this application in the USPTO has changed. To aid in

correlating any papers for this application, all further correspondence regarding this application

should be directed to Art Unit 2617.

Applicant's request for reconsideration of the finality of the rejection of the last Office

action is persuasive and, therefore, the finality of that action is withdrawn.

Disposition of the claims

II.   The current office-action is in response to the amendment filed on 07/02/2007.

Accordingly, claims 1-60 and 82-93 are imminent for further assessment as follows:

Claim Rejections - 35 USC § 103

III.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c)

and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-5, 14-17, 20-42, 48-52, 55-60, 82-86, 92-93 are rejected under 35 U.S.C. 103(a)

as being unpatentable over **McBride et al.** [US 6757698] in view of **Jewell** [US 20050131990].

As per claim 1, **McBride** teaches:

A method implemented by a processing device on a telephone for backing up personal

information stored in a telephone (Abstract), comprising:

Presenting a back-up system user account set-up interface on a user interface on the

phone, the set-up interface enabling establishment of a back-up service account, and the set-up

interface including a display, one or more alphanumerical buttons and one or more soft buttons,

different than the alphanumerical buttons, on the phone, the function of the one or more soft

buttons on the phone changing, under control of a software application agent on the phone,

depending on the content displayed on the display screen; (Figs. 20, 22, Col.19; 11-28, 47-67)

Presenting a backup scheduling interface to the user interface on the phone, the backup

scheduling interface accepting user input on a backup schedule, and the backup scheduling

interface including a display, one or more alphanumerical buttons and one or more soft buttons,

different than the alphanumerical buttons, on the phone, the function of the one or more soft

buttons on the phone changing, under control of a software application agent on the phone,

depending on the content displayed on the display screen; (Fig. 29, Col.22; 50-Col.23; 15) and

McBride doesn't teaches specifically, presenting a restore information interface on the user interface on the phone, the restore interface enabling a user to retrieve backup information to a data store on the phone, and the restore information interface including a display, one or more alphanumerical buttons and one or more soft buttons, different than the alphanumerical buttons, on the phone, the function of the one or more soft buttons on the phone changing, under control of a software application agent on the phone, depending on the content displayed on the display screen. However, **Jewell** teaches in an analogous art, that presenting a restore information interface on the user interface on the phone, the restore interface enabling a user to retrieve backup information to a data store on the phone, and the restore information interface including a display, one or more alphanumerical buttons and one or more soft buttons, different than the alphanumerical buttons, on the phone, the function of the one or more soft buttons on the phone changing, under control of a software application agent on the phone, depending on the content displayed on the display screen. (e.g. Fig.7, ¶ 0090) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify **McBride** including presenting a restore information interface on the user interface on the phone, the restore interface enabling a user to retrieve backup information to a data store on the phone, and the restore information interface including a display, one or more alphanumerical buttons and one or more soft buttons, different than the alphanumerical buttons, on the phone, the function of the one or more soft buttons on the phone changing, under control of a software application agent on the phone, depending on the content displayed on the display screen in order to provide the field of data backup systems and methods and more particularly to the backup of data associated with a remote or networked source device to a target device.

As per claim 2, **McBride** teaches:

The method of claim 1 wherein the user account setup interface calls a method allowing

the user to set up a backup account with a backup store. (Figs. 20, 22, Col.19; 11-28, 47-67)

As per claim 3, **McBride** teaches:

The method of claim 1 wherein the backup scheduling interface sets an interval to

regularly send personal information to the backup store. (Col.9; 65-Col.10; 6)

As per claim 4, **McBride** teaches:

The method of claim 1 wherein the backup scheduling interface causes the transmission

of personal information to the backup store upon modification of the information on the phone.

(Col.10; 7-15)

As per claim 5, **McBride** teaches:

The method of claim 1 wherein the restore interface calls a method to upload all stored

information on the server to the phone. (Col.18; 4-14)

As per claim 14, McBride teaches:

The method of claim 1 wherein said personal information comprises an address book data

store. (e.g. personal information; Col.19; 47-67)

As per claim 15, McBride teaches:

The method of claim 1 wherein said personal information comprises a task entry data

store. (e.g. personal information; Col.19; 47-67)

As per claim 16, McBride teaches the method of claim 1 wherein said personal

information comprises a calendar entry data store. (personal information; Col.19; 47-67)

As per claim 17, McBride teaches:

The method of claim 1 wherein said personal information comprises a note entry data

store. (e.g. personal information; Col.19; 47-67)

As per claims 20-30, **McBride** teaches:

A method for storing personal information in a wireless telephone in a backup storage

database, comprising:

Providing a phone agent including instructions operable by a processor in the phone to

implement an automated phone data transmission method capable of regularly transmitting

changes to a backup store via a communications link; responsive to user entry at the restore

interface of said agent, providing changes from the backup store to the wireless telephone (Fig.

29, Col.22; 50-Col.23; 15) and

McBride doesn't teaches specifically, a restore method retrieving backup information to

a data store on the phone, the agent including a backup service sign-up interface, a backup

method scheduling interface and a restore interface calling the restore method, all provided to a

user interface on the phone, the user interface on the phone including a display and one or more

buttons on the phone. However, **Jewell** teaches in an analogous art, that a restore method

retrieving backup information to a data store on the phone, the agent including a backup service

sign-up interface, a backup method scheduling interface and a restore interface calling the restore

method, all provided to a user interface on the phone, the user interface on the phone including a

display and one or more buttons on the phone. (Fig.7, ¶ 0090)

As per claim 21, **McBride** teaches:

The method of claim 20 wherein the method further includes accepting personal

information from the telephone at intervals defined by the user via the backup method scheduling

interface. (Fig. 29, Col.22; 50-Col.23; 15)

As per claim 22, **McBride** teaches:

The method of claim 20 wherein the method further includes accepting user account set-

up data from the service sign-up interface of the agent. (Figs. 20, 22, Col.19; 11-28, 47-67)

As per claim 23, **McBride** teaches:

The method of claim 20 wherein the method further includes assigning a schedule of

download intervals to the agent. (Fig. 29, Col.22; 50-Col.23; 15)

As per claim 24, **McBride** teaches:

The method of claim 21 wherein the method further includes modifying the interval

schedule to load balance amongst a plurality of users. (Figs. 20, 22, Col.19; 11-28, 47-67)

As per claim 25, **McBride** teaches:

The method of claim 20 further including providing a notification to the agent that

changes have been made to the backup store via a secondary interface. (Figs. 20, 22, Col.19; 11-

28, 47-67)

As per claim 26, **McBride** teaches:

The method of claim 25 wherein the phone agent updates the data store on phone upon

receipt of a notification. (Figs. 20, 22, Col.19; 11-28, 47-67)

As per claim 27, **McBride** teaches:

The method of claim 25 wherein the notification is a SMS message. (Figs. 20, 22, Col.19;

11-28, 47-67)

As per claim 28, **McBride** teaches:

The method of claim 20 wherein the notification is a result of polling the server for

changes. (Figs. 20, 22, Col.19; 11-28, 47-67)

As per claim 29, **McBride** teaches:

The method of claim 25 wherein the method further includes providing the secondary

interface and the secondary interface is a web interface. (Col.14; 3-16)

As per claim 31, **McBride** teaches:

The method of claim 30 wherein the step of transmitting includes transmitting phone data

at user-defined intervals (Fig. 29, Col.22; 50-Col.23; 15)

As per claim 32, **McBride** teaches:

The method of claim 30 wherein the step of transmitting occurs upon receipt of an

indication from backup store that changes to data on the data store have occurred. (Figs. 20, 22,

Col.19; 11-28, 47-67)

As per claim 33, **McBride** teaches:

The method of claim 32 wherein the indicator is an SMS message. (Figs. 20, 22, Col.19;

11-28, 47-67)

As per claim 34, **McBride** teaches:

The method of claim 32 wherein the indicator is a result of polling the

backup store to determine if changes have occurred. (Figs. 20, 22, Col.19; 11-28, 47-67)

As per claim 35, **McBride** teaches:

The method of claim 30 wherein the step of transmitting includes transmitting only

changes to phone data. (Figs. 20, 22, Col.19; 11-28, 47-67)

As per claim 36, **McBride** teaches:

The method of claim 35 wherein the step of transmitting includes transmitting only

changes to phone data in the form of change logs. (Figs. 20, 22, Col.19; 11-28, 47-67)

As per claim 37, **McBride** teaches:

The method of claim 36 wherein the method further includes the step of restoring data to

the phone by applying all change logs. (Figs. 20, 22, Col.19; 11-28, 47-67)

As per claim 38, **McBride** teaches:

The method of claim 30 further including the step of providing an interface to the store

via the web to alter data in the data store. (Col.14; 3-16)

As per claim 39, **McBride** teaches:

The method of claim 38 further including the step transmitting data

changed by the interface to the phone at a user scheduled interval. (Figs. 20, 22, Col.19; 11-28,

47-67)

As per claim 40, **McBride** teaches:

The method of claim 38 further including the step transmitting data changed by the

interface to the phone at upon a user initiated action. (Figs. 20, 22, Col.19; 11-28, 47-67)

As per claim 41, **McBride** teaches:

The method of claim 38 further including the step transmitting data changed by the

interface to the phone at a server-directed interval. (Figs. 20, 22, Col.19; 11-28, 47-67)

As per claim 42, McBride teaches:

A method implemented by a processor on for a wireless telephone (Abstract),

comprising:

An automated backup process transmitting changes to the backup system at user defined

intervals; (Fig. 29, Col.22; 50-Col.23; 15) and

McBride doesn't teach specifically, a restore process activated by a user via a restore

interface provided to the user by the application on the phone, to restore information stored on

the backup system to the phone. However, **Jewell** teaches in an analogous art, that a restore

process activated by a user via a restore interface provided to the user by the application on the

phone, to restore information stored on the backup system to the phone. (Fig.7, ¶ 0090)

As per claim 48, McBride teaches:

The application of claim 42 including a SyncML communications module. (Col.10; 11-

28)

As per claim 49, McBride teaches:

The application of claim 48 wherein the application operates to transmit changes from the

backup system to the phone. (Col.10; 11-28)

As per claim 50, McBride teaches:

The application of claim 49 wherein the SyncML communications module includes a

SyncML client. (Col.10; 11-28)

As per claim 51, McBride teaches:

The application of claim 48 wherein the SyncML communications module communicates

with a SyncML client in the telephone. (Col.10; 11-28)

As per claim 52, McBride teaches:

An application for storing personal information in a wireless telephone having a user

interface and having a data store to a backup system (Abstract), comprising:

An automated user account creation method initiated by the user via a user interface on a

wireless telephone, the creation method accessing the backup system using a unique identifier for

the user to create a user account on the backup system; (Figs. 20, 22, Col.19; 11-28, 47-67)

An automated backup method transmitting changes to the backup system at user-defined

intervals; (Fig. 29, Col.22; 50-Col.23; 15)

McBride doesn't teach specifically, a restore method called by the user through a restore interface presented on the user interface of the phone, the restore method providing user data to a phone. However, **Jewell** teaches in an analogous art, that a restore method called by the user through a restore interface presented on the user interface of the phone, the restore method providing user data to a phone. (Fig.7, ¶ 0090)

As per claim 55, McBride teaches:

The application of claim 52 wherein at least the backup method and the account creation method are initiated by the agent. (Figs. 20, 22, Col.19; 11-28, 47-67)

As per claim 56, McBride teaches:

The application of claim 52 wherein the intervals are defined by user but altered by administrator. (Figs. 20, 22, Col.19; 11-28, 47-67)

As per claim 57, McBride teaches:

The application of claim 52 wherein the intervals are regular. (Fig. 29, Col.22; 50-Col.23; 15)

As per claim 58, McBride teaches:

The application of claim 52 wherein the intervals are arbitrary. (Fig. 29, Col.22; 50-Col.23; 15)

As per claim 59, McBride teaches:

The application of claim 52 wherein the restore method operates responsive to a phone

recognized as having no data and an existing user account. (Figs. 20, 22, Col.19; 11-28, 47-67)

As per claim 60, McBride teaches:

The application of claim 52 wherein the account creation method is performed by the

backup system via a secondary interface provided to the user. (Figs. 20, 22, Col.19; 11-28, 47-

67).

As per claim 82, McBride teaches:

A user interface implemented by a processing device on a telephone for backing up

personal information stored in a telephone (Abstract), comprising:

An account-setup interface on the phone-enabling establishment of a back-up service

account, (Figs. 20, 22, Col.19; 11-28, 47-67)

A scheduling interface on the phone allowing a user to manually set up a schedule for

backing up data on the phone, the scheduling interface including: a display on the phone,

alphanumeric buttons on the phone, soft buttons on the phone, different than the alphanumeric

buttons, the function of the soft buttons changing depending on what is displayed on the display,

and a software application agent on the phone for: 1) controlling what is displayed on the

display, 2) controlling the function of the soft buttons, and 3) setting up a back-up schedule when

information is sent to a back-up store based on information manually entered into the scheduling

interface; (Fig. 29, Col.22; 50-Col.23; 15) and

McBride doesn't teach specifically, a restore information interface enabling a user to

retrieve backup information to a data store on the phone. However, **Jewell** teaches in an

analogous art, that a restore information interface enabling a user to retrieve backup information

to a data store on the phone. (Fig.7, ¶ 0090)

Claims 83-86, is the **apparatus** claims, corresponding to **method** claims 2-5

respectively, and rejected under the same rational set forth in connection with the rejection of

claims 2-5 respectively, above.

Claims 92-93, is the **apparatus** claims, corresponding to **apparatus** claim 82

respectively, and rejected under the same rational set forth in connection with the rejection of

claim 82 respectively, above.

Claims 6-13, 43-45, 53-54, 87-89 are rejected under 35 U.S.C. 103(a) as being

unpatentable over **McBride & Jewell** further in view of **Griffin et al.** [US 6396482].

As per claims 6, 43, the above combination teaches all the particulars of the claim except

providing a rollback interface. However, **Griffin** teaches in an analogous art, that the method of

claims 5, 42 wherein the method further includes providing a rollback interface. (1010; Fig.8,

Col.9; 10-15) Therefore, it would have been obvious to one of ordinary skill in the art at the

time of invention to modify the above combination including providing a rollback interface in order to provide a hand-held electronic device with a keyboard optimized for use with the thumbs.

As per claim 7, McBride teaches:

The method of claim 6 wherein the rollback interface is accessed via a web browser. (Col.14; 3-16)

As per claim 8, McBride teaches:

The method of claim 6 where the rollback interface is accessed via a wireless protocol. (Col.14; 3-16)

As per claims 9, 44, 53, McBride teaches:

The method of claims 6, 43, 52 wherein the rollback interface calls a method uploading changes based on a particular date (Col.9; 65-Col.10; 6)

As per claims 10, 45, 54, the above combination teaches all the particulars of the claim except providing the method further includes providing an undelete interface. However, **Griffin** teaches in an analogous art, that the method of claims 1, 42, 52, wherein the method further includes providing an undelete interface. (Col.12; 58-67)

As per claim 11, McBride teaches:

The method of claim 10 wherein the undelete interface is accessed via a web browser.

(Col.14; 3-16)

As per claim 12, McBride teaches:

The method of claim 10 wherein the undelete interface is accessed via a wireless protocol

such as WAP. (Col.14; 3-16)

As per claim 13, McBride teaches:

The method of claim 10 wherein the undelete interface calls a method which transmits a

change associated with a particular record in a user's personal information space. (e.g. personal

information; Col.19; 47-67)

Claims 87-89, is the **apparatus** claims, corresponding to **method** claims 6-8

respectively, and rejected under the same rational set forth in connection with the rejection of

claims 6-8 respectively, above.

Claims 18-19, 90-91 are rejected under 35 U.S.C. 103(a) as being unpatentable over

McBride & Jewell further in view of Sugimoto et al. [US 20040192260]

As per claims 18-19, 90-91, the above combination teaches all the particulars of the claim

except personal information comprises an alarm data/ a custom dictionary data/ an email data

store. However, Sugimoto teaches in an analogous art, that the method of claims 1, 89 wherein

said personal information comprises an alarm data/ a custom dictionary data/ an email data store. (Pg.4; 0070) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the above combination including personal information comprises an alarm data/ a custom dictionary data/ an email data store in order to provide a data backup system.

Claims 46-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over **McBride & Jewell** further in view of Vasudevan. [US 20040192282]

As per claims 46-47 the above combination teaches all the particulars of the claim except application includes a BREW/ JAVA agent. However, Vasudevan teaches in an analogous art, that the application of claim 42 wherein the application includes a BREW/ JAVA agent. (Pg.3; 0046-Pg.4; 0047) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the above combination including the application includes a BREW/ JAVA agent in order to provide an application platform in the mobile communication system.

Response to Remarks

IV.   Applicant's arguments with respect to claims 1-60 and 82-93 has been fully considered but is moot in view of the new ground(s) of rejection.

Conclusion

V.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5 EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000 or EBC@uspto.gov.

/Sharad Rampuria/
Patent Examiner
Art Unit 2617